UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,110	12/06/2000	Jeffrey L. Strunk	19336-1574001	7941

7590   08/12/2005

Chris A. Caseiro
Pierce Atwood
One Monument Square
Portland, ME 04101

EXAMINER
BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/731,110</td><td>Applicant(s)
STRUNK ET AL.</td></tr>
<tr><td>Examiner
Sam Bhattacharya</td><td>Art Unit
2687</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>36-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>36-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20041227</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

2.   Claims 36, 37, 39, 41, 42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated

by LaPorta (US 5,974,300).

        Regarding claims 36, 39, 41 and 44, LaPorta discloses a computer implemented system

for providing a directory of contact information associated with wireless communications

devices (in cellular network 24, including a network station adapted to carry out software-based

instructions in the generation of a database system 32 of the contact information for wireless

communications devices, a contact information gathering system 30 adapted to implement a

process to gather from one or more sources the contact information for one or more wireless

communications devices, the contact information gathering system 30 including means for the

network station to interface with one or more wireless communications service provider stations

24 to obtain contact information for one or more wireless communications devices, and an

exchange system 14 which receives from said information gather system and transmits the

contact information for one or more parties upon request. See FIG. 1 and col. 4, lines 44-67.

        Regarding claim 37 and 42, LaPorta discloses that the means for the network station to

interface with the one or more wireless communications service provider stations includes a

router switch 28 station for coupling said network station to said wireless communications

service providers. See col. 14, lines 60-65 and col. 15, lines 17-21.

Claim Rejections - 35 USC § 103

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

4.   Claims 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta

et al. in view of Dreke et al. (U.S. Patent Application Publication 2002/0035594 A1).

        As to claims 38 and 43, the LaPorta reference fails to disclose that the switch station polls

the telecommunications service provider stations at selectable frequencies one or more times a

day.

        However, the Dreke reference teaches means for interfacing poll said

telecommunications service provider stations at selectable frequencies ("either the server

periodically pushes presence information to each interested user via the user's client computer

(as in the AOL^{TM} system) or the user uses a client computer to periodically poll the server to

receive the presence information" (page 1, col. 2, lines 1-5). "Frequent polls from the client

computer to the server are employed so that newly connecting users receive updated presence

information in a timely manner" (page 1, col. 2, lines 6-10). "Each user polls the server every 90

seconds to check for the presence of another user" (page 1, col. 2, lines 18-19). "The present

invention is not limited to the Internet. Any network would suffice. In addition to tracking peers,

the present invention is also intended to keep track of devices, people and services" (page 2, col.

1, paragraph [0014], lines 5-8)).

        Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the system and method of LaPorta et al. wherein means for

interfacing poll said telecommunications service provider stations at selectable frequencies, as

taught by Dreke, in order to receive updated contact information in a timely manner.

5.   Claim 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta et al. in

view of Thorner et al. (WO 98/56158).

        As to claim 40, the LaPorta fails to explicitly disclose the central network station includes

means for enabling a device user to access the database and enter contact information and update

the database system for access of particular individually created contact information. The

Thorner reference teaches the central network station includes means for enabling a device user

to access the database and enter contact information and update the database system for access of

particular individually created contact information ("the database 3 could also comprise an extra

database portion 3' in which customers could add data regarding themselves and/or write

corrected data or temporary data regarding telephone number or the like. This database 3' is not

intended to be monitored by the monitor 9 but could be used as means for making updating more

often (for instance every week) than once a year when telephone books are normally updated. It

could be possible to let a customer for instance place a certain mark at the data regarding him,

even if he is not allowed to make any other amendments in the electronic phone book as

represented by the database 3. The presence of such a mark instructs the search motor to search

in the database portion 3'" (page 10, line 23 to page 11, line 2)).

        Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the system and method of LaPorta et al. wherein the central

network station includes means for enabling a device user to access the database and enter

contact information and update the database system for access of particular individually created

contact information, as taught by Thorner, in order to allow customers to add data regarding

themselves and/or write corrected data or temporary data regarding telephone number or the like.

Response to Arguments

6.   Applicant's arguments filed 4/25/05 have been fully considered but they are not

persuasive.

Applicant argues that a cellular network is not a telecommunications service provider.

Applicant further argue that LaPorta does not teach the existence of one or more wireless

communication service provider stations that interact with the contact information gathering

system.

Examiner respectfully disagrees. A cellular network inherently is a telecommunications

service provider because telecommunication service is provided to cellular users through the

cellular network. Examiner suggests that further distinctions between a telecommunication

service provider and the cellular network be included in the claims to distinguish them over

LaPorta. Moreover, the communication service provider station 24 clearly interacts with the

contact information gathering system 30 since information is communicated between those two

components of the network through the switch 18.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

SONNY TRINH
PRIMARY EXAMINER